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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Kleiner, et al.

Serial No. 09/976,228

Filing Date: October 12, 2001

Title: RATE CONTROLLING MEMBRANES FOR CONTROLLED  
DELIVERY DEVICES

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Group Art Unit: 1616

Examiner: Unknown

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Preliminary Amendment is submitted under 37 C.F.R. § 1.115 as part of this continuation application. The Examiner is hereby requested to enter these amendments prior to examination of this application.

**AMENDMENTS**

Please cancel claims 2, 4, 5, 6, 7, 8, 9, 21, 23, 24, 25, 26, and 27.

Please amend claims 1, 3, 10, 11, 12, 14, 17, and 22 as follows:

1. A rate controlling membrane for an implantable [controlled] drug delivery device characterized by being subjected to an elevated temperature of about 30° C to about 5° C below the melting temperature of the membrane polymer for a predetermined period of about 1 - 250 hours and subsequently incorporated into the delivery device.